



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/288,415	08/10/94	BRUGGER	

08/288,415 08/10/94 BRUGGER

F 4719658A

EXAMINER

BAWA,R

15M1/0503

ART UNIT

PAPER NUMBER

8

MICHAEL W GLYNN
CIBA-GEIGY CORPORATION
520 WHITE PLAINS ROAD
P. O. BOX 2005
TARRYTOWN, NY 10591-9005

1502

DATE MAILED:

05/03/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 1-16-96 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information or How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-14 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-14 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Art Unit: 1502

III. DETAILED ACTION

Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) The phrases "first position of the value stem" and "second position of the value system" is indefinite because it is confusing and relative.

The resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

(2) Delete the phrase "an alternative propellant gas".

(3) Substitute "active substance" with "active agent".

Since the scope of the invention sought to be patented cannot be determined from the language of the claim with a reasonable degree of certainty, this rejection is appropriate.

In re Wiggins, 488 F2d 538, 179 USPQ 421 (CCPA 1973).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Bawa, PhD, whose telephone number is (703) 308-2423. The examiner can normally be reached on Tuesday-Friday from 7:30a.m. to 6:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T.K. Page, can be reached on (703) 308-2927. The fax phone number for this Group is (703) 305-5408.

Serial Number: 08/288,415

-3-

Art Unit: 1502

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2351.



RAJ BAWA, Ph.D.
PRIMARY EXAMINER
GROUP 1500

Bawa:css
April 17, 1996